

NOTICE 1815 OF 2001

REPUBLIC OF SOUTH AFRICA

**NATIONAL SPORT AND RECREATION
AMENDMENT BILL**

*(As introduced in the National Assembly as a section 75 Bill; explanatory
summary of Bill published in Government Gazette No ???? of ???? 2001)
(The English text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)

[B _____ 2001]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the National Sport and Recreation Bill, 1998 so as to provide for the insertion of a certain definition; to provide for the registration of all sport and recreation bodies with the Sports Commission; to provide for penalties in the event of sport and recreation bodies not obtaining the prior approval of the Sports Commission before participating in a sports or recreation event or abroad; to provide for the payment by sport and recreation bodies of a prescribed percentage of all income derived from television to a sports development fund; to provide for the awarding of national colours only to sports persons whose sports body has been duly registered; to empower the Minister to intervene in disputes; to provide for the full accountability by sport and recreation bodies for all funds they have received from Government; to provide for the submission by all sport and recreation bodies of statistics of their total membership to the Sports Commission; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:

Amendment of section 1 of Act 110 of 1998

1. Section 1 of the National Sport and Recreation Act, 1998 (hereafter referred to as the principal Act) is amended by the insertion of the following definition after the definition of "SISA":

“Sport and Recreation South Africa” means the National Department of Sport and Recreation.”.

Substitution of section 5 of Act 110 of 1998

2. The following section is substituted for section 5 of the principal Act:

“Membership of sport and recreation bodies

5.(1) All sport and recreation bodies, save NOCSA, must within 90 days after the commencement of this Act, apply for registration as a member to the Sports Commission in writing.

(2) Only sport and recreation bodies that have been registered as contemplated in subsection (1), shall be entitled to –

- (a) represent the Republic in sports and recreation events abroad and in the Republic;
- (b) affiliate with international sport and recreation bodies;
- (c) compete under the national flag and anthem when participating in international sport or recreation events abroad or in the Republic;
- (d) be recognised as the controlling body of their sport or recreation activity by the Sports Commission as the official custodian of their sport or recreation activity in the Republic; and
- (e) receive funding from the government.

(3) National federations which are recognised by the Sports Commission as contemplated in subsection (2)(d) above, shall be regarded as the sole custodians of its sport or recreational activity in the Republic.

(4) Individual entities of such national federations may only participate in sports or recreation events which have been sanctioned, in writing, by the national federation concerned, failing which the national federation may take the necessary disciplinary action against such entity as it deems fit.

(5) The executive authority of a registered sport or recreation body which fails to obtain the prior approval of the Sports Commission in writing before such a registered sport or recreation body participates in a sports or recreation event abroad, shall be guilty of an offence and on conviction, liable to a fine or to imprisonment not exceeding 12 months or to both such fine and imprisonment.

(6) A sports or recreation body which fails to adhere to the written transformation and representivity initiative of the Minister as directed from time to time, may be penalised as prescribed.

(7) A sport or recreation body which permits or tolerates a system or practice of discrimination based on gender, race, disability, religion or creed may have its membership of the Sports Commission terminated with immediate effect by the Minister in writing whereafter such a sports or recreation body shall be debarred from administering its sports or recreational activity.

(8) A sport or recreation body which is duly registered as contemplated in terms of subsection (1) shall be fully accountable to Sport and Recreation South Africa for all funding which such a sports or recreation body receives from Government."

Amendment of section 8 of Act 110 of 1998

3. Section 8 is hereby amended by the insertion of the following subsection after subsection (3):

“(4) A sport or recreation body must pay a percentage (as prescribed from time to time) of all its income derived from television in respect of a sport or recreation event to the Sports Commission for sports development or must commit such revenue to a development programme as directed by the Sports Commission in writing”.

Amendment of section 11 of Act 110 of 1998

4. Section 11 is hereby amended by the insertion of the following words at the end of subsection (2):

“but may not be awarded to a sports person of a sports body which has not complied with section 5 above.”.

Amendment of section 13 of Act 110 of 1998

5. Section 13 is hereby amended by the addition of the following subsection :

“ (5) Notwithstanding the provisions as contemplated in subsection (4), the Minister has the power to intervene in a dispute in sport or recreation, where a dispute , in the opinion of the Minister, cannot be solved satisfactorily either by a sport or recreation body internally or by the Sports Commission.”

Insertion of new section in Act 110 of 1998

6. A new section is hereby inserted after section 13 of the principal Act:

“Submission of membership statistics by all sport and recreation bodies

14. A sport or recreation body must before 1 April of each year submit to the Sports Commission in writing the statistics of its total membership, as prescribed.”.

Short title

7. This Act is called the National Sport and Recreation Amendment Act, 2001.

MEMORANDUM ON THE OBJECTS OF THE NATIONAL SPORT AND RECREATION AMENDMENT BILL, 2001

The Bill has been drafted to provide for-

- (a) the registration of sport and recreation bodies with the Sport Commission;
- (b) the payment by sport and recreation bodies of a prescribed percentage of its income derived from television to the Sports Commission for sports development;
- (c) the Minister to intervene in disputes in sport and recreation; and
- (d) the submission by sport and recreation bodies of statistics of their total membership to the Sport Commission.

In order to achieve the aims of the Bill, provision is made for the insertion of a definition of Sport and Recreation South Africa in clause 1.

Clause 2 provides amongst others for the compulsory registration of sport and recreation bodies with the Sport Commission, the recognition of such bodies as the sole custodians of its sport or recreational activity in the Republic, the compliance to transformation and representivity initiatives of the Minister by the said bodies and the accountability of such bodies to Sport and Recreation South Africa.

Clause 3 makes provision for the payment by sport and recreation bodies of a percentage of all its income derived from television in respect of a sport or recreation event to the Sports Commission for sport development.

Clause 4 provides for the awarding of national colours only to sports persons whose sports body has been duly registered with the Sports Commission.

Provision has also been made for the Minister to intervene in a dispute in sport and recreation where a dispute cannot be solved by the sport or recreation body and the Sport Commission respectively.

Clause 6 contains the short title.

IMPLICATIONS FOR PROVINCES

None

IMPLICATIONS FOR LOCAL GOVERNMENT

None

OTHER BODIES CONSULTED

All National federations

The South African Sports Commission

The provincial departments of Sport and Recreation

The Olympic Committee of South Africa (NOCOSA)

The National Departments of-

- Labour;
- Finance;
- Public Service and Administration;
- Safety and Security; and
- Justice

PARLIAMENTARY PROCEDURE

The State Law Advisers and Sport and Recreation South Africa are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.